

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is respectfully requested. Claims 1-7 and 9 are now pending. Claims 1, 3, 6 and 7 have been amended. Claim 8 has been cancelled. New claim 9 is added, support for which can be found in page 10, Figures 9A and 9B. No new matter is introduced by way of this amendment.

As an initial matter, Applicant wishes to thank the Examiner for the courtesy extended to Applicant's counsel in the telephone conference on September 23, 2004. Applicant's counsel had called to inquire about the shortened statutory period of one month indicated on the non-final Office Action mailed on September 3, 2004. The Examiner noted that this should have been a three-month statutory period for response. The Examiner changed the period for response to three months and restarted the time period to begin on the date of mailing of the interview summary, October 6, 2004. Therefore, the new three-month due date is January 6, 2005.

The Examiner has noted in the Office Action that a reference to Applicant's Japanese priority document must be included at the beginning of the specification. Applicant has amended the specification to include such a reference.

Claims 1, 2, and 4-8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,597,221 to Adair (hereafter referred as Adair). Specifically with respect to claim 1, the Examiner was of the position that Figure 2 of Adair teaches each element of claim 1. Applicant respectfully traverses for reasons set forth below.

Claim 1 as amended includes a flowerpot, which is a distinctive element from the flower ornament pot in the assembly and is accommodated by the upper opening of the flower ornament pot. As illustrated in Figure 1, the support post (or the upper portion thereof) is only within the flower ornament pot, therefore does not affect in any way the flower or the soil arrangement in the flowerpot. This is in no way taught or suggested by Adair. Adair teaches a flower receptacle for use in an umbrella-type table. Adair does not disclose a flower ornament pot separate from a flowerpot. Instead, the support post in Adair necessarily goes through the flowerpot in order to support an umbrella. Not only would the arrangement in Adair affect the

overall aesthetics of the flower arrangement in the flowerpot, it also affects the planting process because soil and flowers would have to be placed around the support post. Accordingly, Adair cannot anticipate claim 1 of the present invention. For the same reason, dependent claims 2, 4 and 5 are not anticipated by Adair, because they contain further limitations of claim 1.

With respect to claim 6, Applicant submits that it is likewise not anticipated by Adair. Claim 6 as amended includes a flowerpot, which is accommodated by the upper opening of the flower ornament pot. The support post is inserted into a tubular member which is an integral part of the flower ornamental pot. The support post therefore is contained within the flower ornamental pot without disturbing the flower arrangement or the planting in the flowerpot. In Adair, the sleeve through which the support member is inserted is part of the flowerpot, which necessitates planting around the support member. Accordingly, Applicant submits that Adair cannot anticipate claim 6. Claim 8 is canceled. New claim 9 further limits claim 6 and is therefore also patentable over Adair.

Claims 1-8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,635,394 to Brown (hereafter referred as Brown). Like Adair, Brown does not disclose or suggest a flower ornament pot separate from a flowerpot. Instead, the support rod and the upstanding housing accommodating the support rod are contained within or are part of the flowerpot, which necessitates planting around the support rod; *see*, for example, col. 3, lines 22-40, and Figure 1. Accordingly, Brown cannot anticipate claims 1 as amended. For the same reason, Brown does not anticipate claim 6 as amended. Dependent claims 2-7 and 9 further limit claims 1 and 6, respectively; they too are not anticipated by Brown.

In conclusion, Applicant submits that both Adair and Brown fail to teach or suggest a separate flower ornament pot from a flowerpot where the planting is to take place. The present invention is therefore patentable in view of Adair and Brown.

Application No. 10/762,121  
Reply to Office Action dated September 3, 2004

A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



---

Hai Han, Ph.D.

Registration No. 54,150

HH:lhk

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

536842\_1.DOC